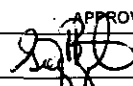
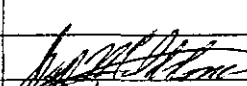
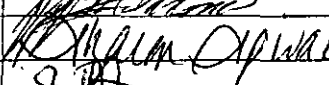
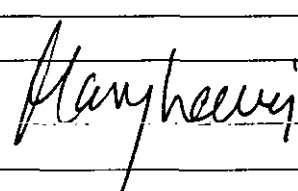
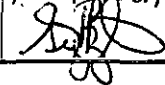


001905		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO			1. CERTIFICATE NUMB (FOR AUDITOR'S US 127 12/02		
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Risk Management			3. DATE: July 15, 2008		
4. SUBJECT: BIENNIAL REVIEW: CONFLICT OF INTEREST CODE FOR RISK MANAGEMENT DEPARTMENT							
5. FOR INFORMATION, CONTACT (NAME & MAIL STA.) Christine Logan, MS 51B		(619) 236-5939		7. CHECK HERE IF BOX 1472A "DOCKET" SUPPORTING INFORMATION" HAS BEEN COMPLETED ON PAGE 2: <input type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:		
DEPT.							
ORGANIZATION							
OBJECT ACCOUNT							
JOB ORDER							
C.I.P. NUMBER							
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	Risk Mgmt		7-16-08	8			
2				9	COO		7/15/08
3				10	CITY ATTORNEY		11/10/08
4	CFO		7-25-08	11	ORIGINATING DEPARTMENT		8-4-08
5					MGR. DOCKET COORD: _____		COUNCIL REP.
6				<input checked="" type="checkbox"/>	COUNCIL PRESIDENT <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION		DATE: 12/2/08
7					<input type="checkbox"/> REFER TO: _____		
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S) Adopting the revised Conflict of Interest Code for the Risk Management Department, separating from Business Support.							
11A. STAFF'S RECOMMENDATIONS: Approve the revised Conflict of Interest Code and appendices as submitted.							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) <u>COUNCIL DISTRICT(S):</u> All <u>COMMUNITY AREA(S):</u> Citywide <u>CITY CLERK INSTRUCTIONS:</u> Please forward a copy of the resolution to Christine Logan, Risk Management, Mailstation 51B <u>ENVIRONMENTAL IMPACT:</u> None <u>OTHER ISSUES:</u> None							

001006

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO

DATE:

JULY 15, 2008

SUBJECT:

BIENNIAL REVIEW: CONFLICT OF INTEREST CODE FOR RISK MANAGEMENT DEPARTMENT

BACKGROUND:

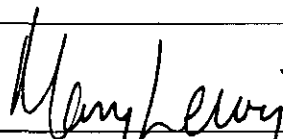
This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718, Adopted on May 27, 2008. The Risk Management 2006 biennial code was grouped with Business Support, which also included: Business and Support Services; Business and Grant Administration; Chief Information Officer; Human Resources; and Purchasing and Contracting. The Risk Management Department code has been revised to separate Risk Management from Business Support, change position titles, remove positions previously designated, and update the required filing categories for each designated position.

FISCAL CONSIDERATIONS: 0PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/ACOMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/AKEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): N/A

SIGNATURES:



GREG BYCH, RISK MANAGEMENT DIRECTOR



MARY LEWIS, CHIEF FINANCIAL OFFICER

2008 Local Agency Biennial Notice

Name of Agency: Risk Management DepartmentMailing Address: 1200 Third Ave Ste 1000 San Diego, CA 92101Contact Person: Christine LoganPhone Number: (619) 236-5939 Fax Number: (619) 236-6106E-mail: CLogan@sandiego.gov

This agency has reviewed its conflict of interest code and has determined that:

X The code needs to be amended and the following amendments are necessary:*(Check all that apply)* Include new positions (including consultants) which must be designated (App. A)X Revise the titles of existing positions (App. A)X Delete the titles of positions that have been abolished (App. A) Revise disclosure categories (App. B) Other

 No amendments are necessary. The agency's code accurately designates all positions that made or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may possibly be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.



Greg Bych, Risk Management Director

July 15, 2008

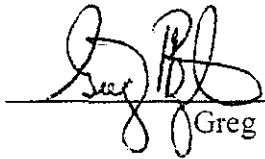
Date

You must complete this report regardless of how recently your code was approved or amended.

Please return this report to:
Elections
Office of the City Clerk
202 C Street, MS 2A
San Diego, CA 92101

CERTIFICATION

The foregoing amendment to the Conflict of Interest Code
was prepared by the City of San Diego's Risk Management
Department after a fair opportunity was offered to the
members of the department to present their views.



Greg Bych, Risk Management Director

August 18, 2008

Date

**RISK MANAGEMENT DEPARTMENT
CONFLICT OF INTEREST CODE**

**APPENDIX A
DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

POSITIONS	DUTIES	CATEGORY
<u>ADMINISTRATION</u>		
Director	Manage the Risk Management Department	1
Deputy Director	Manage a major division or divisions in the Risk Management Department. Supervise program managers in the management of activity groups.	1
Supervising Management Analyst	Prepare and administer the Department's budget. Perform special procedural, operational and cost analyses for the Department. Make and/or approve all decisions to request equipment, supplies and materials. Verify proper disbursements and expenditures for the Department. Perform supervisory responsibilities.	2
Information Systems Analyst III	Manage the Risk Management Department information systems, including participation in the development of system requirements and the selection of computer system vendors, hardware and software.	2
<u>PUBLIC LIABILITY DIVISION</u>		
Claims and Insurance Manager	Supervise professional staff in the investigation and settlement of claims against the City and the investigation and recovery of damages to City assets. Negotiate excess liability insurance coverage and premiums with providers. Direct selection of providers. Ensure compliance with contract provisions. Authorize payments to claimants and providers. Recommend methods to reduce or eliminate potential losses and risks to the City. Review impact or proposed and final legislation and finalize recommendations. Monitor program expenditures and prepare budget estimates and financial reports.	2
Supervising	Assist the Claims and Insurance Manager of the Public	2

POSITIONS	DUTIES	CATEGORY
Claims Representative	Liability Division. Perform supervisory responsibilities.	
Claims Representative	Investigate and settle claims against the City. Investigate and recover for damages to City assets. Recommend claim denials. Maintain monetary reserves. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation.	2
Claims Aide	Investigate and settle claims against the City. Investigate and recover for damages to City assets. Recommend claim denials. Maintain monetary reserves. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation.	2
EMPLOYEE BENEFITS DIVISION		
Claims and Insurance Manager	Supervise professional staff in the administration of employee benefit plans. Review the impact of proposed and final legislation and finalize recommendations. Negotiate coverage and premiums with providers. Direct selection of providers and consultants. Ensure compliance with contract provisions. Monitor program expenditures and prepare budget estimates and financial reports.	2
Employee Benefits Specialist II (Flexible Benefits, Savings, and LTD)	Administer benefit/savings plans. Analyze cost effectiveness of current and proposed plans. Assess employee benefit needs. Liaison with benefit providers and consultants. Review proposed and final legislation and formulate recommendations. Develop written program policies and procedures for implementing new and modified plans. Negotiate with providers, consultants and employees. Approve payments to providers, consultants and employees.	2
Employee Benefits Specialist I (Flexible Benefits and Savings Plan)	Assist the Employee Benefits Manager in the administration of benefit plans. Oversee daily operation of benefits plans. Assess employee benefit needs. Liaison with benefit providers and consultants. Develop written program	2

Comment [d1]: Name change from Employee Benefits Manager

Comment [d2]: Position removed from FY09 Budget

POSITIONS	DUTIES	CATEGORY
	policies and procedures for implementing new and modified plans. Approve payments to providers, consultants and employees.	
Claims Aide (LTD Plan)	Investigate and make payment determination on claims. Recommend claim denials. Assist the Employee Benefits Specialist II in the administration of benefit plans.	2
<u>WORKERS' COMPENSATION DIVISION</u>		
Claims and Insurance Manager	Supervise professional staff in the investigation and processing claims for on-the-job injuries. Direct selection of providers. Negotiate coverage and premiums with providers. Ensure compliance with contract provisions. Authorize payments to claimants and providers. Recommend methods to reduce or eliminate potential claims. Review impact of proposed and final legislation and finalize recommendations. Monitor program expenditures and prepare budget estimates and financial reports.	2
Supervising Claims Representative	Assist the Claims and Insurance Manager of the Workers' Compensation Division. Investigate and settle claims for on-the-job injuries. Authorize treatment by providers requested by employees. Recommend claim denials. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation. Authorize payments to claimants and providers.	2
Senior Claims Representative	Assist the Supervising Claims Representative of the Workers' Compensation Division. Investigate and settle claims for on-the-job injuries. Authorize treatment by providers requested by employees. Recommend claim denials. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation. Authorize payments to claimants and providers.	2
Claims Representative	Investigate and settle claims for on-the-job injuries. Authorize treatment by providers requested by employees. Recommend claim denials. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation. Authorize payments to claimants and providers.	2

Claims Aide	Investigate medical only claims for on-the-job injuries. Authorize treatment by providers requested by employees. Recommend claim denials. Authorize payments to claimants and providers.	2
Rehabilitation Coordinator	Supervise professional staff in the placement of disabled City employees within or outside the City workforce. Develop and authorize retraining programs through public or private institutions. Select private providers. Negotiate charges for services by private providers. Authorize payments to employees and providers. Review impact of proposed and final legislation and finalize recommendations. Monitor program expenditures and prepare budget estimates and financial reports.	2

SAFETY AND ENVIRONMENTAL HEALTH DIVISIONSafety and
Training Manager

Supervise professional staff in the prevention of losses to the City and the provisions for safe public facilities and employee work areas. Negotiate and administer contracts with service providers. Review impact of proposed and final legislation and finalize recommendations. Recommend improvements to City facilities, structures, vehicles, etc. Select first aid and all safety supplies used by City employees. Authorize selection of and payment for outside speakers, materials, hotels or rooms for training classes. Select and purchase all safety awards for City employees and materials and supplies necessary for training programs.

2

Comment [d3]: Name change from
Safety Manager

EMPLOYEE ASSISTANCE PROGRAMEmployee
Assistance
Program Manager

Supervise professional staff in the employee assistance and referral program for City employees and their family members. Develop policies and procedures. Interview employees and/or immediate family members to assess personal problems and, develop a plan of action designed to assist in resolving the personal issues. Negotiate contracts with treatment and service providers. Prepare annual budget and conduct special studies. Monitor program expenditures and prepare budget estimates and financial reports. Prepare correspondence and, develop promotional material and

2

Comment [d4]: Transferred from
Employee Benefits

Employee
Assistance
Counselor

brochures to publicize the program's services.

Assess, counsels and refers employees and their family members to their health insurance provider or appropriate private and community resources.

2

Comment [d5]: Transferred from
Employee Benefits

DEPARTMENT-WIDE

Consultants

The Department Director, Deputy Director or Division or Program Manager, Administrator or Coordinator may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director's, Deputy Director's or Division or Program Manager's, Administrator's or Coordinator's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

3

**RISK MANAGEMENT DEPARTMENT
CONFLICT OF INTEREST CODE**

**APPENDIX A
DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

<u>POSITIONS</u>	<u>DUTIES</u>	<u>CATEGORY</u>
<u>ADMINISTRATION</u>		
Director	Manage the Risk Management Department	1
Deputy Director	Manage a major division or divisions in the Risk Management Department. Supervise program managers in the management of activity groups.	1
Supervising Management Analyst	Prepare and administer the Department's budget. Perform special procedural, operational and cost analyses for the Department. Make and/or approve all decisions to request equipment, supplies and materials. Verify proper disbursements and expenditures for the Department. Perform supervisory responsibilities. Monitor program expenditures, prepare budget estimates, and financial reports.	2
Information Systems Analyst III	Manage the Risk Management Department information systems, including participation in the development of system requirements and the selection of computer system vendors, hardware and software.	2
<u>PUBLIC LIABILITY DIVISION</u>		
Claims and Insurance Manager	Supervise professional staff in the investigation and settlement of claims against the City and the investigation and recovery of damages to City assets. Negotiate excess liability insurance coverage and premiums with providers. Direct selection of providers. Ensure compliance with contract provisions. Authorize payments to claimants and providers. Recommend methods to reduce or eliminate potential losses and risks to the City. Review impact or proposed and final legislation and finalize recommendations. Monitor program expenditures and prepare budget estimates and financial reports.	2

POSITIONS	DUTIES	CATEGORY
Supervising Claims Representative	Assist the Claims and Insurance Manager of the Public Liability Division. Perform supervisory responsibilities.	2
Claims Representative	Investigate and settle claims against the City. Investigate and recover for damages to City assets. Recommend claim denials. Maintain monetary reserves. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation.	2
Claims Aide	Investigate and settle claims against the City. Investigate and recover for damages to City assets. Recommend claim denials. Maintain monetary reserves. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation.	2

EMPLOYEE BENEFITS DIVISION

Claims and Insurance Manager	Supervise professional staff in the administration of employee benefit plans. Review the impact of proposed and final legislation and finalize recommendations. Negotiate coverage and premiums with providers. Direct selection of providers and consultants. Ensure compliance with contract provisions. Monitor program expenditures and prepare budget estimates and financial reports.	2
Employee Assistance Program Manager	Supervise professional staff in the employee assistance and referral program for City employees and their family members. Develop policies and procedures. Interview employees and/or immediate family members to assess personal problems and, develop a plan of action designed to assist in resolving the personal issues. Negotiate contracts with treatment and service providers. Prepare annual budget and conduct special studies. Monitor program expenditures and prepare budget estimates and financial reports. Prepare correspondence and, develop promotional material and brochures to publicize the program's services.	2
Employee Assistance Counselor	Assess, counsels and refers employees and their family members to their health insurance provider or appropriate private and community resources.	2
Employee Benefits	Assist the Employee Benefits Manager in the administration	2

POSITIONS	DUTIES	CATEGORY
Specialist I (Flexible Benefits and Savings Plan)	of benefit plans. Oversee daily operation of benefits plans. Assess employee benefit needs. Liaison with benefit providers and consultants. Develop written program policies and procedures for implementing new and modified plans. Approve payments to providers, consultants and employees.	
Claims Aide (LTD Plan)	Investigate and make payment determination on claims. Recommend claim denials. Assist the Employee Benefits Specialist II in the administration of benefit plans.	2
<u>WORKERS' COMPENSATION DIVISION</u>		
Claims and Insurance Manager	Supervise professional staff in the investigation and processing claims for on-the-job injuries. Direct selection of providers. Negotiate coverage and premiums with providers. Ensure compliance with contract provisions. Authorize payments to claimants and providers. Recommend methods to reduce or eliminate potential claims. Review impact of proposed and final legislation and finalize recommendations. Monitor program expenditures and prepare budget estimates and financial reports.	2
Supervising Claims Representative	Assist the Claims and Insurance Manager of the Workers' Compensation Division. Investigate and settle claims for on-the-job injuries. Authorize treatment by providers requested by employees. Recommend claim denials. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation. Authorize payments to claimants and providers.	2
Senior Claims Representative	Assist the Supervising Claims Representative of the Workers' Compensation Division. Investigate and settle claims for on-the-job injuries. Authorize treatment by providers requested by employees. Recommend claim denials. Negotiate with responsible party for out-of-court settlements. Assist in case preparation for litigation. Authorize payments to claimants and providers.	2
Claims Representative	Investigate and settle claims for on-the-job injuries. Authorize treatment by providers requested by employees. Recommend claim denials. Negotiate with responsible party for out-of-court settlements. Assist in case	2

POSITIONS	DUTIES	CATEGORY
	preparation for litigation. Authorize payments to claimants and providers.	
Claims Aide	Investigate medical only claims for on-the-job injuries. Authorize treatment by providers requested by employees. Recommend claim denials. Authorize payments to claimants and providers.	2
Rehabilitation Coordinator	Supervise professional staff in the placement of disabled City employees within or outside the City workforce. Develop and authorize retraining programs through public or private institutions. Select private providers. Negotiate charges for services by private providers. Authorize payments to employees and providers. Review impact of proposed and final legislation and finalize recommendations. Monitor program expenditures and prepare budget estimates and financial reports.	2
<u>SAFETY AND ENVIRONMENTAL HEALTH DIVISION</u>		
Safety and Training Manager	Supervise professional staff in the prevention of losses to the City and the provisions for safe public facilities and employee work areas. Negotiate and administer contracts with service providers. Review impact of proposed and final legislation and finalize recommendations. Recommend improvements to City facilities, structures, vehicles, etc. Select first aid and all safety supplies used by City employees. Authorize selection of and payment for outside speakers, materials, hotels or rooms for training classes. Select and purchase all safety awards for City employees and materials and supplies necessary for training programs.	2

DEPARTMENT-WIDE

POSITIONS	DUTIES	CATEGORY
Consultants	<p>The Department Director, Deputy Director or Division or Program Manager, Administrator or Coordinator may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director's, Deputy Director's or Division or Program Manager's, Administrator's or Coordinator's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.</p>	3

**RISK MANAGEMENT DEPARTMENT
STATEMENT OF ECONOMIC INTERESTS**

**APPENDIX B
DISCLOSURE CATEGORIES**

Category	Description
1	<p>Investments and business positions in any business entity located in or doing business with the City of San Diego.</p> <p>Income and gifts from sources located in or doing business with the City of San Diego.</p> <p>Interest in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.</p>
2	<p>Investments and business positions in any firm or business entity that supplies goods or services to the City of San Diego, that is an adverse party to the City of San Diego in a legal proceeding, or that is granted authority by the City of San Diego to use City facilities.</p> <p>Interest in real property owned by used by any person or business entity that supplies goods or services to the City of San Diego, that is a tenant of the City of San Diego, that is an adverse party to the City of San Diego in a legal proceeding, or that is granted authority by the City of San Diego to use City facilities.</p> <p>Income and gifts from any person or business entity that supplies goods or services to the City of San Diego, that is a tenant of the City of San Diego, that is an adverse party to the City of San Diego in a legal proceedings, or that is granted authority by the City of San Diego to use City facilities.</p>
3	<p>Consultants shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations: The Department Director, Deputy Director or Division or Program Manager, Administrator or Coordinator may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus in not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director's, Deputy Director's or Division or Program Manager's, Administrator's or Coordinator's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.</p>

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE RISK MANAGEMENT
DEPARTMENT

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

001924

WHEREAS, by Resolution No. 302215, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for Business and Support Services, which at that time included within its code the Risk Management Department; and

WHEREAS, the Risk Management Department now seeks to revise its conflict of interest code to allow it to have a separate code for its department, and to change position titles, remove positions, and update the required filing categories for each designated position; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Risk Management Department; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Risk Management Department is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Risk Management Department as adopted be placed on file in the Office of the City Clerk as Document No. RR-_____.


BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Risk Management Department shall file their statements

of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Risk Management Department becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
11/14/08
Or.Dept:Risk Management
R-2009-223